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FEDERAL ELECTION COMMISSION  
Washington, DC 20463

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**MEMORANDUM**

TO: The Commission

FROM: Anthony Herman  
General Counsel

Daniel A. Petalas  
Associate General Counsel  
for Enforcement

BY: Kathleen Guith *KG*  
Deputy Associate General Counsel  
for Enforcement

Peter G. Blumberg *PGB*  
Assistant General Counsel

Ana J. Peña-Wallace *APW*  
Attorney

SUBJECT: MUR 6498 (Lynch for Congress)

RE: Circulation of Discovery Documents

Attached for the Commission's approval on a 48-Hour no objection basis is a Subpoena to Produce Documents and an Order to Submit Written Answers directed to SunTrust Bank ("the Bank"), in connection with the above-referenced MUR. The Bank held three bank accounts used by the Lynch for Congress Committee ("the Committee") during the time period relevant to this matter.

As you are aware, the Commission found reason to believe that Edward J. Lynch, in his personal capacity, knowingly and willfully violated 2 U.S.C. § 439a(b), and that Lynch for Congress and Edward J. Lynch, in his official capacity as treasurer, knowingly and willfully violated 2 U.S.C. §§ 434(b) and 439a(b) by converting campaign funds to personal use and by filing inaccurate reports with the Commission. See MUR 6498 Certification, dated November 1, 2011. Although a former campaign staff member had previously provided copies of certain relevant bank records to the Reports Analysis Division, those records were incomplete. See MUR 6498, First General Counsel's Report at fn. 1. Therefore, the Commission also authorized

1 an investigation, including the use of compulsory process, in order to ascertain the full extent of  
2 the misreporting and the extent of the personal use of campaign funds. See MUR 6498  
3 Certification, dated November 1, 2011 and First General Counsel's Report at 14.  
4

5 Mr. Lynch responded to the Commission's reason to believe notification on behalf of  
6 himself and the Committee. He submitted a written response and contacted this Office by  
7 telephone. During this initial telephone conversation, we asked Mr. Lynch to provide us with  
8 copies of the Committee's bank records from the relevant time period that were not already in  
9 our possession. We also asked for contact information for any campaign staff with knowledge of  
10 the Committee's finances. Although Mr. Lynch eventually provided us with the contact  
11 information we requested, he has failed to follow through on his agreement to provide us with  
12 relevant financial records, despite repeated subsequent requests from this Office.<sup>1</sup>  
13

14 Because our attempts to obtain the necessary information informally have ultimately been  
15 unsuccessful, the attached subpoena and order seeks records relating to the Committee's  
16 designated campaign account, including account holder information, monthly statements, and  
17 other records related to deposits and withdrawals during the time period in question.  
18

19  
20 Attachment:

21 Subpoena to Produce Documents and Order to Submit Written Answers to SunTrust Bank  
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<sup>1</sup> We have spoken with Mr. Lynch at least three times and have left numerous voicemail messages with him following up on our requests for information. During these conversations, he indicated that he was in discussions with the bank regarding obtaining the account records. We sent him a letter dated January 20, 2012 reiterating our requests and asking him to respond by January 31, 2012. Mr. Lynch responded by e-mail on February 3, 2012. His response provided the names and phone numbers for two of his committee staff members (as noted above), but did not address the bank records. We have since left several messages for him on his cell phone and office voicemails inquiring whether he planned to provide us with any of the requested bank records, but as of this date he has not responded to those messages.

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of

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MUR 6498

**SUBPOENA TO PRODUCE DOCUMENTS**  
**ORDER TO SUBMIT WRITTEN ANSWERS**

TO: Subpoena Coordinator  
SunTrust Bank  
Fl-Orlando-7136  
7474 Chancellor Drive  
Orlando, FL 32809

Pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested on the attachment to this Subpoena. Legible copies which, where applicable, show both sides of the documents may be substituted for originals.

Such answers must be submitted under oath and must be forwarded, along with the requested documents, to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, within 15 days of your receipt of the Commission's Order and Subpoena.

WHEREFORE, the Chair of the Federal Election Commission has hereunto set her hand in Washington, D.C., on this \_\_\_\_ day of \_\_\_\_\_ 2012.

On behalf of the Commission,

\_\_\_\_\_  
Caroline C. Hunter  
Chair

ATTEST:

\_\_\_\_\_  
Shawn Woodhead Werth  
Secretary and Clerk of the Commission

**Attachments**

Instructions and Definitions  
Document Requests and Questions

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MUR 6498  
SunTrust Bank

### **INSTRUCTIONS**

In answering these interrogatories and requests for production of documents, furnish all documents and other information, however obtained, including hearsay, that are in your possession, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Mark each page with identification and consecutive document control numbers (*i.e.*, Bates numbers). Provide a master list showing the name of each person from whom responsive documents are submitted and the corresponding consecutive document control numbers used to identify that person's documents.

Unless otherwise indicated, these discovery requests shall refer to the time period from January 1, 2008 to the present time.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which, and the manner in which, such further or different information came to your attention.

### **DEFINITIONS**

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean SunTrust Bank, to whom these discovery requests are addressed, including all employees and agents thereof.

"Lynch for Congress" or any variation thereof, shall mean Lynch for Congress, Inc., Edward J. Lynch's campaign organization in connection with his elections for the United States House of Representatives, including employees and volunteers.

"Person" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization, group or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term "document" includes, but is not limited to, books, letters, electronic mail, text messages, contracts, notes, diaries, log books, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained. If a document request calls for a document that is maintained on or in a magnetic, optical, or electronic medium (for example, but not limited to, computer tape, diskette, or CD-ROM), provide both "hard" (*i.e.*, paper) and "soft" (*i.e.*, in the magnetic or electronic medium) copies, including drafts, and identify the name (*e.g.*, Microsoft Word for Windows, WordPerfect, *etc.*) and version numbers of the software by which the document(s) will be most easily retrieved.

"Identify" with respect to a document shall mean state the nature or type of document (*e.g.*, letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, and the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residential addresses and the corresponding telephone numbers, e-mail addresses, the present occupation or position of such person, the occupation or position of such person during the relevant time period, and the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for production of documents any documents and materials that may otherwise be construed to be out of their scope.

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"Communication" shall be deemed to include both singular and plural, and to include written, oral, telephonic and electronic communications.

### QUESTIONS AND DOCUMENT REQUESTS

1. For all accounts opened on behalf of Lynch for Congress, Inc., Edward J. Lynch- Campaign Account, or any variation thereof, including but not limited to account numbers , identify the person who opened the account and all persons authorized to access the account and the funds held within, and identify and produce documents related to all transactions made during the relevant period, including but not limited to:
- a. all documents related to opening the accounts, including but not limited to the account application;
  - b. bank signature card or any other document(s) designating or assigning any person access to the account(s) or to the funds held within;
  - c. monthly or other periodic statements documenting transactions;
  - d. deposit tickets for deposits made to the account, or any record of deposits or credits made to the account;
  - e. records of all withdrawals made from the account, including copies of all cancelled checks (front and back) and other records of withdrawal;
  - f. records of all incoming and outgoing transfers of funds made to or from the account(s); and
  - g. all documents related to the closing of the accounts.

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